

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 25338 of 2015 (N)

PETITIONER :

**M.T. ABDULLA KURIKKAL,
S/O.MOIDEENKUTTY KURIKKAL,
MANCHEERI THUPPATH HOUSE, MANJERI.P.O.,
MALAPPURAM DISTRICT.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM, PIN-676 505**
- 2. SRI.ASHRAF, S/O.KUNHIMUHAMMED,
KOORIMANNIL HOUSE, PULPATTU, MANJERI,
MALAPPURAM DISTRICT-676 126**

R1 BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.25338/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT VIDE ORDER
NO.C1/10406/2015/M DATED 20/04/2015**
- P2 COPY OF THE OBJECTION DATED 06/08/2015 SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT WITHOUT ENCLOSER.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 25338 2015

Dated this the 19th day of August, 2015

J U D G M E N T

The petitioner is seeking a direction to settle the petitioner's objection before reissuing temporary permit to the 2nd respondent's service.

2. The petitioner is conducting a regular stage carriage service on the route between Kalikavu and Parappanangadi with his stage carriage bearing Reg.No.KL-10-V7677 with a departure time 8.27 am from Manjeri. The 2nd respondent has applied for temporary permit in respect of stage carriage bearing Reg.No.KL-13-Q-7023 to operate on the route between Areacode and Parappanangadi in the surrendered vacancy of stage carriage bearing Reg.No.KL-17-B-7173. The 2nd respondent has obtained a judgment in WP(C) No.12817/2015 with a direction to the 1st respondent to grant and issue a temporary permit if the vacancy is still

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in existence. Pursuant to that, the 1st respondent has issued 4 months' temporary permit to the 2nd respondent's service. After the surrender of the permit, the timings allotted to KL-17-B-7173 had been allotted to other buses. The surrendered vacant departure time 8.27 am from Manjeri was allotted to the petitioner's service. When the 2nd respondent started operation of service with the departure time 8.27 am from Manjeri, it affected the petitioner's service. Therefore, the petitioner has submitted Ext.P2 objection before the 1st respondent with a request to settle the time objection before the re-issue of temporary permit to the 2nd respondent. It is with this background, the petitioner has come up before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Pleader.

4. Considering the nature of the relief sought for, this Court is of the view that the writ petition can be disposed of even without issuing notice to the 2nd respondent.

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Therefore, the writ petition is disposed of directing the 1st respondent to consider Ext.P2 objection effected by the petitioner before reissuing temporary permit to the 2nd respondent after affording the petitioner and the 2nd respondent an opportunity of being heard within a period of one month from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the 1st respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-